

**JUL 28 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

GILBERTO VELASCO SANCHEZ;  
BERTHA ARREGUIN CONTRERAS,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-76793

Agency Nos. A79-572-703  
A79-572-704

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 24, 2006\*\*

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Gilberto Velasco Sanchez and Bertha Arreguin Contreras, married natives  
and citizens of Mexico, petition for review of the Board of Immigration Appeals'  
("BIA") order dismissing their appeal from an immigration judge's ("IJ") decision

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to consider the petitioners' contention that the IJ denied them due process by excluding their expert's testimony and written report regarding the neurological condition of their daughter Diana because they failed to exhaust their administrative remedies. *See Barron v. Ashcroft*, 358 F.3d 674, 678 (9th Cir. 2004) (noting that due process challenges that are "procedural in nature" must be exhausted).

The petitioners' contention that the BIA violated their due process rights by disregarding their evidence is not supported by the record and does not amount to a colorable constitutional claim. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005) ("[t]raditional abuse of discretion challenges recast as alleged due process violations do not constitute colorable constitutional claims that would invoke our jurisdiction.").

**PETITION FOR REVIEW DISMISSED.**